



# Senate

General Assembly

**File No. 810**

*January Session, 2007*

Substitute Senate Bill No. 1306

*Senate, May 9, 2007*

The Committee on Judiciary reported through SEN. MCDONALD of the 27th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

## ***AN ACT CONCERNING ORGANIZED RETAIL THEFT.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2007*) (a) As used in this  
2 section:

3 (1) "Retail property" means any new article, product, commodity,  
4 item or component intended to be sold in retail commerce;

5 (2) "Value" means the retail value of an item as advertised by the  
6 affected retail establishment, including applicable taxes; and

7 (3) "Retail property fence" means a person or business that buys  
8 retail property knowing that the property is stolen.

9 (b) Any person who, for financial gain and in conjunction with one  
10 or more other persons, commits larceny by shoplifting, as defined in  
11 subdivision (9) of section 53a-119 of the general statutes, of retail  
12 property having an aggregate value exceeding one thousand dollars

13 and (1) wrongfully takes such property during a period of one  
14 hundred eighty days, or (2) sells, delivers or otherwise transfers such  
15 property to a retail property fence, shall have committed the offense of  
16 organized retail theft.

17 (c) Any person who receives, possesses, conceals, stores, barter,  
18 sells or disposes of any retail property acquired in violation of  
19 subsection (b) of this section with the intent to distribute the proceeds  
20 or otherwise promote, manage, carry on or facilitate a violation of said  
21 subsection shall have committed the offense of accessory to organized  
22 retail theft.

23 (d) It shall not be a defense to a charge of accessory to organized  
24 retail theft in violation of subsection (c) of this section that the retail  
25 property was obtained by means other than through a violation of said  
26 subsection if the property was explicitly represented to the person  
27 charged under said subsection (c) as being obtained through the  
28 commission of organized retail theft.

29 (e) Any person who violates subsection (b) of this section shall be  
30 guilty of a class A misdemeanor, except that, if such person derives a  
31 financial benefit of five thousand dollars or more as a result of such  
32 violation, such person shall be guilty of a class D felony.

33 (f) Any person who violates subsection (c) of this section shall be  
34 guilty of a class B misdemeanor, except that, if such person derives a  
35 financial benefit of five thousand dollars or more as a result of such  
36 violation, such person shall be guilty of a class A misdemeanor.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2007	New section

**JUD**      *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either chamber thereof for any purpose:

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### ***OFA Fiscal Note***

#### ***State Impact:***

Agency Affected	Fund-Effect	FY 08 \$	FY 09 \$
Judicial Dept.	GF - Revenue Gain	Potential Minimal	Potential Minimal
Judicial Department (Probation); Correction, Dept.	GF - Cost	Potential Minimal	Potential Minimal

Note: GF=General Fund

***Municipal Impact:*** None

#### ***Explanation***

The bill establishes new crimes of “organized retail theft” and “accessory to organized retail theft.” Any potential revenue gain from criminal fines or cost for incarceration or probation supervision as a result of the bill is anticipated to be minimal since offenders may be subject to penalties for larceny under current law.

#### ***The Out Years***

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

**OLR Bill Analysis****sSB 1306*****AN ACT CONCERNING ORGANIZED RETAIL THEFT.*****SUMMARY:**

This bill establishes a new crime of “organized retail theft,” which it defines as committing larceny by shoplifting retail property having an aggregate value greater than \$1,000 and (1) wrongfully taking the property within a 180-day period or (2) selling, delivering, or otherwise transferring it to a retail property fence. The bill makes a violation a class D felony (see BACKGROUND). By law, someone who engages in this conduct commits larceny.

The bill also establishes a new crime of “accessory to organized retail theft,” which it defines as receiving, possessing, concealing, storing, bartering, selling, or disposing of retail property acquired in violation of its provisions, with intent to distribute the proceeds or otherwise promote, manage, carry on, or facilitate a violation. The bill makes a violation a class B misdemeanor (see BACKGROUND). The bill provides that it is not a defense that the property was obtained by means other than by violating the prohibition against committing organized retail theft. By law, someone who engages in conduct that intentionally aids another commit a crime is punishable as if he or she were the offender.

EFFECTIVE DATE: October 1, 2007

**BACKGROUND*****Penalties***

A person is guilty of “larceny by shoplifting” for intentionally taking possession of merchandise offered or exposed for sale by a store with the intention of converting it to personal use without buying it. A

person intentionally concealing unpurchased merchandise, either on or off of the premises, is presumed to have concealed it with the intention of converting it to his own use without buying it (CGS § 53a-119(9)).

The penalty for larceny depends on the value of the stolen property; there are six different classifications. Generally, the penalty depends on the property's value or type, or on the circumstances, and can range from as much as 20 years in prison to as little as up to three months in prison. For example, if the value is over \$ 10,000, it is larceny in the first degree, which is a class B felony (CGS § 53a-122). This is punishable by up to 20 years in prison, or a fine of up to \$ 15,000, or both. If the value exceeds \$1,000, it is a Class D felony, which is punishable by up to five years in prison, a fine of up to \$5,000, or both. If the value is \$ 250 or less, the offense is a class C misdemeanor. This is punishable by up to three months in prison, a fine of up to \$ 500, or both (CGS § 53a-125b).

A person is guilty of larceny by receiving stolen property if he or she receives, retains, or disposes of stolen property knowing or believing that it has probably been stolen, unless the property is received, retained, or disposed of with the purpose of restoring it to the owner (CGS § 53a-119(8)).

### ***Criminal Liability for Acts of Another***

A person, acting with the mental state required for commission of an offense, who solicits, requests, commands, importunes, or intentionally aids another person to engage in conduct that constitutes an offense is criminally liable for such conduct and may be prosecuted and punished as if he or she were the principal offender (CGS § 53a-8).

### ***Legislative History***

The House referred the bill (File 125) to the Judiciary Committee, which reported a substitute bill that redefined the crime of organized retail theft.

### **COMMITTEE ACTION**

General Law Committee

Joint Favorable

Yea    19    Nay   0    (03/08/2007)

Judiciary Committee

Joint Favorable Substitute

Yea    30    Nay   1    (04/27/2007)